



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

JUDY T. DAULTON,  
Plaintiff,

vs.

PIEDMONT TECHNICAL COLLEGE and  
ROBERT E. TEMPLETON,  
Defendants.

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CIVIL ACTION NO. 8:05-2682-HFF-WMC

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ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE  
JUDGE AND GRANTING DEFENDANTS' MOTION TO DISMISS AND TO STRIKE

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This is an employment action. Plaintiff is proceeding *pro se*. The matter is presently before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' motion to dismiss and to strike be granted. The Report is made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 30, 2006. Defendant filed her two-page objection memorandum on April 13, 2006.

Plaintiff objects to the Magistrate Judge's recommendation that the Court grant Defendants' motion to strike paragraphs two through ten of her complaint. On the bases set forth in the Magistrate Judge's well-reasoned Report, however, Plaintiff's objections will be overruled. Moreover, in an abundance of caution and in the interest of justice, the Court has made a *de novo* review of the entire Report, including those portions to which Plaintiff failed to object, but finds no error. Thus, the Court will enter judgment accordingly.

After a thorough review of the Report, the objections, and the record in this case pursuant to the standards set forth above, the Court overrules Defendant's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' motion to dismiss and to strike must be **GRANTED**.

**IT IS SO ORDERED.**

Signed this 13th day of April, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.